

**REGULAR MEETING  
CITY COUNCIL  
February 1, 2007**

**ROLL CALL:**

MR. WOJCIK, MR. MCGRATH, MR. RYAN, MR. DUNNE, MR. KROGH, MRS. COLLIER, MR. CAMPANA, MS. MAHAR  
DERGURAHIAN, PRESIDENT BAUER

ABSENT:

**Ordinance No.** 1 **Date** February 1, 2007  
**Introduced by Council Member** Bauer  
**At the request of** Administration **Seconded by** McGrath

**ORD #1**

ORDINANCE AMENDING THE 2007 CITY BUDGET TO TRANSFER FUNDS WITHIN THE WATER  
FUND BUDGET LINES

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2007 WATER FUND budget is herein amended as set forth in Schedule A entitled:

**February 2007 Water Fund Budget Amendment**

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, January 17, 2007

\_\_\_\_\_  
David B. Mitchell, Corporation Counsel

**Ordinance ADOPTED by the following vote:**

**Ayes: 9**

**Noes: 0**

**Abstain: 0**

**Sent to the Mayor 02-05-07 for Executive Action – Approved, returned 02-14-07**

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 2 Date February 1, 2007  
 Introduced by Council Member Bauer  
 At the request of Administration Seconded by Krogh

**ORD. #2**

ORDINANCE AMENDING THE 2007 GENERAL FUND CITY BUDGET  
 TO ACCEPT A GRANT FOR THE PURPOSE OF A NEW TRUCK FOR THE TROY  
 POLICE "MOUNTED" HORSE PATROL FROM THE  
 NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

The City of Troy, convened in city Council, ordains as follows:

Section 1. The 2007 City General Fund Budget is hereby amended to accept NYS DCJS grant fund revenue and modify appropriations within the 2007 Police Department Operating Budget as provided in Schedule "A" entitled:

**"Mounted Patrol Truck Grant"**

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, January 17, 2007

**David Mitchell, Corporation Counsel**

**Ordinance ADOPTED by the following vote:**

**Ayes: 9**

**Noes: 0**

**Abstain: 0**

**Sent to the Mayor 02-05-07 for Executive Action – Approved, returned 02-14-07**

**SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION**

Ordinance No. 3 Date February 1, 2007  
 Introduced by Council Member Bauer  
 At the request of Administration Seconded by Wojcik

ORD. #3

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI PROCEEDINGS INSTITUTED BY  
 VARIOUS PROPERTY OWNERS LOCATED IN THE CITY OF TROY AND ON THE ASSESSMENT  
 ROLL OF THE CITY OF TROY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in certain stipulations on file with the office of the Corporation Counsel:

Fritz Helmbold, Inc

112-4-34

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for the years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax rolls shall be adjusted accordingly, and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, January 17, 2007

\_\_\_\_\_  
 David B. Mitchell, Corporation Counsel

**Ordinance ADOPTED by the following vote:**

**Ayes: 5**

**Noes: 4 – Ryan, Dunne, Campana, DerGurahian**

**Abstain: 0**

**Sent to the Mayor 02-05-07 for Executive Action – Not Endorsed, returned 02-14-07**

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 4 Date February 1, 2007  
 Introduced by Council Member Bauer  
 At the request of Administration Seconded by McGrath

**ORD. #4**

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI PROCEEDINGS INSTITUTED BY  
 VARIOUS PROPERTY OWNERS LOCATED IN THE CITY OF TROY AND ON THE ASSESSMENT  
 ROLL OF THE CITY OF TROY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in certain stipulations on file with the office of the Corporation Counsel:

Troy ACD LLC, Troy Plaza	101.31-10-3.1
Troy ACD LLC, Troy Plaza	101.31-10-3.2

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for the years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax rolls shall be adjusted accordingly, and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, January 17, 2007

\_\_\_\_\_  
 David B. Mitchell, Corporation Counsel

**Ordinance ADOPTED by the following vote:**

**Ayes: 8**

**Noes: 1 - Collier**

**Abstain: 0**

Sent to the Mayor 02-05-07 for Executive Action – Not Endorsed, returned 02-14-07

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 5 Date February 1, 2007  
 Introduced by Council Member Bauer  
 At the request of Administration Seconded by Campana

ORD. #5

## **ORDINANCE AUTHORIZING AND DIRECTING SALE BY THE PRIVATE SALE METHOD OF CITY OWNED REAL PROPERTY**

The City of Troy, in City Council convened, ordains as follows:

Section 1. Pursuant to Chapter 83 of the Code of Ordinances, the Bureau of Surplus Property accepted proposals on the hereinafter described property.

Section 2. The Mayor is hereby authorized and directed to sell and convey the hereinafter described real property to the following named purchaser for the sum below offered by purchaser and which is hereby determined to be a fair price for the same without the necessity of competitive bidding and upon the terms and conditions set forth below.

Section 3. The purchaser, purchase price and terms and conditions of sale are as follows:

**PURCHASER: Bethel Baptist Church, 2165 Fifth Avenue, Troy, NY**  
**PURCHASE PRICE: \$3,000.00 for both parcels.**

### TERMS AND CONDITIONS:

- A. Within thirty (30) days of the effective date of this ordinance the purchaser shall pay the purchase price and payment in lieu of City taxes through **December 31, 2006**, and Troy School taxes **through June 30, 2007**, or Lansingburgh School Taxes through **August 31, 2007** and execute a contract setting forth the binding effect of this purchase and sale "AS IS" for both parcels.
- B. Upon the 1st day of **January 2006**, taxes and other assessments shall become due and payable by the purchaser **except all water and sewer rents which shall be charged from the date of this conveyance.**
- C. This conveyance is made subject to the condition that the **structure be repaired** in conformance with the building, housing and fire prevention codes within six (6) months after the date of purchase. If the purchaser, his successor, or assigns shall fail to comply with this condition the City of Troy has a right to re-enter the property without refunding the purchase price.
- D. Purchaser shall be liable for and pay all closing costs related to this sale including, but not limited to: filing fees, deed stamps and attorneys fees.

Section 4. The said real property is described as follows: **2143 and 2145 5<sup>th</sup> Avenue, Troy, NY**  
**(Tax map #: 101.38-9-6 and 101.38-9-5)**

Section 5. The City Treasurer is hereby authorized to cancel any and all taxes and tax sale certificates now in existence except water and sewer rents which have not become liens and the City Treasurer is authorized to make appropriate notations upon the books and records of the City of Troy.

Section 6. This Ordinance shall take effect immediately.

Approved as to form, January 17, 2007

David B. Mitchell, Corporation Counsel

**Ordinance ADOPTED by the following vote:**

**Ayes: 9**

**Noes: 0**

**Abstain: 0**

**Sent to the Mayor 02-05-07 for Executive Action – Approved, returned 02-14-07**

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

**Ordinance No.** 6 **Date** February 1, 2007  
**Introduced by Council Member** Bauer  
**At the request of** Administration **Seconded by** McGrath

**ORD. #6**

(ORD #1 from January '07 Council meeting)

**ORDINANCE AMENDING THE HOME-FUNDED PORTIONS OF THE 2006-07 ONE-YEAR ACTION PLAN, RENAMING THE EXISTING 2006-07 TROY HOME BALANCE THE “TROY HOME SINGLE FAMILY HOME PHASE ONE PROJECT” THAT WILL BE USED TO CONSTRUCT NEW HOMES FOR PURCHASE BY LOW AND MODERATE INCOME HOUSEHOLDS, TRANSFERRING UNUSED 2005-06 HOME FUNDS FROM THE CEO HOUSING REHABILITATION PROGRAM ACCOUNT INTO THE NEW “TROY HOME SINGLE FAMILY HOME PHASE ONE PROJECT”, AND AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSFERS AND THE HUD AMENDMENT PROCESS.**

The City of Troy, convened in city Council, ordains as follows:

Section 1. Ordinance amending the HOME-funded portions of the 2006-07 One-year Action Plan, renaming the existing 2006-07 Troy Home Balance the “Troy Home Single Family Home Phase One Project” that will be used to construct new homes for purchase by low and moderate income households, transferring unused 2005-06 HOME funds from the CEO Housing Rehabilitation program account into the new “Troy Home Single Family Home Phase One Project”, and authorizing the Mayor to execute any and all documents necessary to complete the transfers and the HUD amendment process as provided in Schedule “A” entitled:

**“Troy HOME Phase I Project”**

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, December 15, 2006

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David Mitchell, Corporation Counsel

**Ordinance ADOPTED by the following vote:**

**Ayes: 9**

**Noes: 0**

**Abstain: 0**

**Sent to the Mayor 02-05-07 for Executive Action – Approved, returned 02-14-07**

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

**Ordinance No.** 7 **Date** February 1, 2007  
**Introduced by Council Member** Bauer  
**At the request of** Administration **Seconded by** Krogh

**ORD. #7**  
 (ORD #3 from January '07 Council meeting)

**ORDINANCE AMENDING THE 2006 CDBG BUDGET TO ALLOW FOR THE TRANSFER OF \$258,655.01 OF 2004-05 CDBG SECTION 108 FUNDS INTO A NEW 2006-07 CDBG ACCOUNT TO ESTABLISH THE CDBG-FUNDED DOWNPAYMENT ASSISTANCE PROGRAM, AND TO AUTHORIZE THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSFERS AND THE HUD AMENDMENT PROCESS.**

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The City of Troy, convened in city Council, ordains as follows:

Section 1. The 2006 CDBG budget is hereby amended to allow for the transfer of \$258,655.01 of 2004-05 CDBG section 108 funds into a new 2006-07 CDBG account to establish the CDBG-funded Down payment Assistance Program, and to authorize the mayor to execute any and all documents necessary to complete the transfers and the HUD amendment process as provided in schedule “a” entitled:

**“Section 108 Budget Transfer”**

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, December 15, 2006

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David Mitchell, Corporation Counsel

**Ordinance ADOPTED by the following vote:**

**Ayes: 9**

**Noes: 0**

**Abstain: 0**

**Sent to the Mayor 02-05-07 for Executive Action – Approved, returned 02-14-07**

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

**Ordinance No.** 8 **Date** February 1, 2007  
**Introduced by Council Member** Bauer  
**At the request of** Administration **Seconded by** Collier

**ORD #8**

**ORDINANCE AMENDING THE TROY CITY CODE BY PLACING A ONE YEAR MORATORIUM  
ON THE CREATION, ESTABLISHMENT, ENLARGEMENT AND/OR EXTENSION OF ANY  
BUSINESS THAT HANDLES “LIVE STOCK” WITHIN THE COPORATE LIMITS OF THE CITY  
OF TROY**

The City of Troy, in City Council convened, ordains as follows:

Section 1. ARTICLE IV of Chapter 285 shall be amended by establishing a new paragraph 285(a) which shall precede all sections of Article IV- within Article IV- and operate to supercede all sections within Article IV pertaining to allowed uses within Zoning District Regulations, as follows:

ARTICLE IV: 285-48-A to read as follows:

- I. Notwithstanding any other provision of this code to the contrary, no: establishment, business, operation, venture, partnership, corporation, sole proprietorship or otherwise that handles “Live Stock” in any way, in the operation of its business, shall be allowed within the City limits, nor shall any operation that handles “Live Stock” be allowed to be altered, opened, enlarged or extended in any degree or capacity, nor shall any non-conforming use be changed to operate a business that handles “Live Stock” through the duration of this moratorium. This moratorium shall be effective upon all businesses within the corporate limits of the City of Troy until January Thirty-One, Two-Thousand Eight (January 31, 2008). This Moratorium is intended to be interpreted and construed in any manner that is not in conflict with any provision of the State of New York Agriculture and Markets laws.

The intent of the above “Live Stock Moratorium” is to allow the City of Troy to complete the revised comprehensive zoning law currently under review to provide for appropriate zoning for live stock businesses and the safe handling of live stock with the City limits. This is to protect the health and welfare of the citizens of the City of Troy, the State of New York and those that may eventually consume the products from this livestock.



Section 2. This ordinance shall take effect immediately.

Approved as to form, January 30, 2007

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David B. Mitchell, Corporation Counsel

**Ordinance ADOPTED by the following vote:**

**Ayes: 9**

**Noes: 0**

**Abstain: 0**

**Sent to the Mayor 02-05-07 for Executive Action – Approved, returned 02-14-07**

**Resolution No.** 1 **Date** February 1, 2007  
**Introduced by Council Member** Bauer  
**At the request of** Administration **Seconded by** McGrath

**RES. # 1**

**RESOLUTION APPOINTING COMMISSIONER OF DEEDS**

BE IT RESOLVED, that the City Council hereby appoints the following persons, as identified in Schedule “A”, attached hereto and made a part hereof, Commissioners of Deeds for the City of Troy for the terms identified in Schedule “A”.

Approved as to form, January 26, 2007

\_\_\_\_\_  
David B. Mitchell, Corporation Counsel

**Resolution ADOPTED by the following vote:**

**Ayes: 9**

**Noes: 0**

**Abstain: 0**

**Sent to the Mayor 02-05-07 for Executive Action – Approved, returned 02-14-07**

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 2 Date February 1, 2007  
 Introduced by Council Member Bauer  
 At the request of Administration Seconded by Dunne

**RES. #2**

**RESOLUTION APPOINTING JOSEPHINE NICHOLAS TO THE  
 BOARD OF ASSESSMENT REVIEW OF THE CITY OF TROY**

WHEREAS, Josephine Nichols, residing at 126 Sherman Avenue, Troy, New York, desires to served the City of Troy and its property owners as a member of the Board of Assessment Review and possesses the credentials to serve with competence, diligence and dedication; and

WHEREAS, Ms. Nicholas will serve a five (5) year term in office and will fill the vacancy created when the term of Cynthia Smith expired on September 30, 2006, and it is the sense of this Legislative Body that Josephine Nicholas should be appointed to fill this vacancy.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to Section 523 of the Real Property Tax Law, Josephine Nicholas is hereby appointed to the Board of Assessment Review for a term of five (5) years, to commence October 1, 2006 and will expire September 30, 2011.

Approved as to form January 26, 2007

\_\_\_\_\_  
 David B. Mitchell, Corporation Counsel

**Resolution ADOPTED by the following vote:**

**Ayes: 9**

**Noes: 0**

**Abstain: 0**

**Sent to the Mayor 02-05-07 for Executive Action – Approved, returned 02-14-07**

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 3 Date February 1, 2007  
 Introduced by Council Member Bauer  
 At the request of Administration Seconded by Collier

RES. # 3

## RESOLUTION AUTHORIZING THE RETENTION OF SPECIAL COUNSEL FOR LABOR DISPUTES AND NEGOTIATIONS

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WHEREAS, it appears that the City deems it necessary to hire outside counsel  
 to represent the City of Troy with respect to labor disputes and negotiations; and

WHEREAS, after careful consideration we find that the law firm of Goldberger and Kremer are  
 extremely experienced and successful in handling said labor related matters and have handled same for the City  
 over the past three years.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the Mayor to retain  
 the law firm of Goldberger and Kremer as per the agreement attached hereto and made a part hereof.

Approved as to form, January 30, 2007

\_\_\_\_\_  
 David B. Mitchell, Corporation Counsel

**Resolution ADOPTED by the following vote:**

**Ayes: 8**

**Noes: 1 - Dunne**

**Abstain: 0**

**Sent to the Mayor 02-05-07 for Executive Action – Approved, returned 02-14-07**

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 4 Date February 1, 2007  
 Introduced by Council Member Bauer  
 At the request of Administration Seconded by McGrath

RES. #4

**RESOLUTION AUTHORIZING THE CORPORATION COUNSEL  
 TO PAY THE FEES CHARGED BY RETIRED SUPREME COURT JUDGE: HONORABLE  
 PATRICK D. MONSERRATE FOR TIME BILLED AS A RESULT OF THE CIVIL SERVICE  
 HEARINGS SCHEDULED FOR CAPTAIN BOUCHARD, SERGEANT CENTANNI AND  
 SERGEANT O'NEILL**

WHEREAS, Article V of the Civil Service Law provides for the appointment of a "Hearing Examiner" to preside over removal or other disciplinary actions under this article, and

WHEREAS, the Mayor has appointed retired Supreme Court Justice: Honorable Patrick D. Monserrate to the position of "Hearing Examiner" to preside over the removal and/or disciplinary hearings of Captain Bouchard, Sergeant Mary O'Neill and Sergeant Joseph Centanni, and

WHEREAS, retired Supreme Court Justice Honorable Patrick D. Monserrate is uniquely qualified to preside over these important and sensitive hearings, as indicated by his curriculum vitae, attached hereto and made a part hereof, and

WHEREAS, the terms of the engagement shall authorize the payment of \$250.00 per hour for actual hearing time and \$200.00 per hour for all other time billed.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Troy hereby authorizes the Corporation Counsel to pay the fees charged by retired Supreme Court Judge Honorable Patrick D. Monserrate for time billed as a result of the Civil Service hearings scheduled for Captain Bouchard, Sergeant Centanni and Sergeant O'Neill.

Approved as to form, January 30, 2007

\_\_\_\_\_  
 David B. Mitchell, Corporation Counsel

**Resolution ADOPTED by the following vote:**

**Ayes: 9**

**Noes: 0**

**Abstain: 0**

**Sent to the Mayor 02-05-07 for Executive Action – Approved, returned 02-14-07**

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Motion to adjourn by McGrath/Ryan.

Meeting adjourned at 8:26pm.